

293/037 Cont. 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Alex A. Peterson et al.
Application No.: 10/637,213 Confirmation No.: 4084
Filed : August 7, 2003
For : MEDICAL GRAFT CONNECTOR AND METHODS OF
MAKING AND INSTALLING SAME
Group Art Unit : 3734
Examiner : Diane D. Yabut

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION OF TODD A. BERG
PURSUANT TO 37 C.F.R. § 1.132

I, TODD A. BERG, am Chief Executive Officer of
Torax Medical, Inc. in Maple Grove, Minnesota. I make this
Declaration in support of Peterson et al. U.S. patent
application No. 10/637,213, filed August 7, 2003 ("the '213
application"). I am one of the inventors named on the '213
application.

I have reviewed the '213 application. I have
also reviewed Berg et al. U.S. patent 6,391,036 ("the
'036 patent"). I am also one of the inventors named on the
'036 patent.

I understand that the '036 patent was granted on an application that was a division of original Berg et al. U.S. patent application No. 09/016,721, filed January 30, 1998 ("the '721 application"). I further understand that the '213 application is the third in a series of continuations of original Peterson et al. U.S. patent application No. 09/187,335, filed November 6, 1998 ("the '335 application").

I understand that the inventors named on the '721 application are myself (Todd A. Berg), Alex A. Peterson, Mark D. Wahlberg, and Jon St. Germain. I further understand that the inventors named on the '335 application are Alex A. Peterson, Paul J. Hindrichs, Mark D. Wahlberg, myself (Todd A. Berg), and Jon St. Germain.

At all times material to this Declaration, I was the person in charge of research and development at Vascular Science Inc. (which, by change of name, became St. Jude Medical Cardiovascular Group, Inc. on or about September 27, 1999; and which, by further change of name, became St. Judge Medical ATG, Inc. on or about August 23, 2001). For convenience, I refer to Vascular Science Inc. under all of these names as the Company.


At all times material to this Declaration, all of Alex A. Peterson, Paul J. Hindrichs, Mark D. Wahlberg, and

Jon St. Germain were employed by the Company and worked under my direction.

I hereby declare, on the basis of my own personal knowledge, that anything shown in the '036 patent that is claimed in the '213 application was derived from the inventors named on the '721 application (most of whom (including myself) are also named as inventors on the '036 patent).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date Nov. 7, 2006



Todd A. Berg